

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NATHANIEL OWENS, ET AL.,	:	
	:	CIVIL ACTION NO. 3:CV-02-0356
Plaintiffs,	:	
	:	
vs.	:	
	:	(JUDGE CAPUTO)
MARTIN F. HORN, ET AL.,	:	
	:	
Defendants.	:	

**MEMORANDUM**

Before me are two discovery motions filed by the plaintiffs, i.e. Motion for Order Compelling Discovery Inspection (Doc. 187) and Motion to Compel (Doc. 193). The motions will be denied.

Plaintiffs seek responses to Interrogatories 13 and 15. Those Interrogatories have been answered as required by the Federal Rules of Civil Procedure.

Insofar as the motion to compel inspection is concerned, criminal history of the named plaintiffs is not plainly relevant to this case. Moreover, to the extent that other documents are relevant, they have been produced for inspection. There is no requirement copies be made without a fee for same, so the inspection in place is an adequate response. Moreover, CHRIA waivers are appropriate if there is to be a release of criminal history information. See 47 P.C.S.A. § 9121. That request by the defendants was not unreasonable. In any event, the relevance of the criminal history of the plaintiffs is not manifest, and as such, I do not find these documents to be relevant to the claim. See Rule 26(b)(1).

The defendants objections to Plaintiffs' document requests are well taken with the exception of the allowance of the inspection of documents heretofore produced subject to waivers where appropriate, and excluding Interrogatories 13 and 15 which I understand have since been answered.

An appropriate order follows.

Date: April 21, 2006

s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge

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	:	(JUDGE CAPUTO)
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	:	
Defendants.	:	

**ORDER**

NOW, this 21st day of April, 2006, **IT IS HEREBY ORDERED:**

1. Plaintiffs' Motion for Order Compelling Discovery Inspection (Doc. 187) is DENIED as follows:
  - a. Copying of relevant records shall be paid for by plaintiffs at going rates to extent relevant;
  - b. Documents requested which relate to criminal history are not relevant to the claim; and,
  - c. To the extent plaintiffs can demonstrate the relevance of any documents requested and not produced, where any criminal history is involved a waiver under 42 P.C.S.A. § 9121 will be provided as a condition to production.
2. Plaintiff's Motion to Compel (Doc. 193) is DENIED.

s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge